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7 STATE FARM GENERAL INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION
10

11 GARINE DEPOYAN, an individual,
12 Plaintiffs,

13 v.

14 STATE FARM GENERAL
INSURANCE COMPANY, a business
15 entity; and DOES 1 to 50, inclusive.

16 Defendants.
17

Case No. 2:24-cv-04690-FMO(RAOx)
[LASC Case No.: 24NNCV01375]

Complaint Filed: October 26, 2023

**ORDER GRANTING THE PARTIES’
STIPULATION [16] TO REMAND TO
STATE COURT**

[Concurrently filed with Stipulation to Remand to
State Court]

District Judge Fernando M. Olguin
Magistrate Judge Rozella A. Oliver

19 The Court, having read and considered the parties’ Stipulation to Remand,
20 hereby ORDERS as follows:

21 **I. BACKGROUND**

22 On May 3, 2024, GARINE DEPOYAN (“Plaintiff”) filed a Complaint for
23 breach of contract and breach of the duty of good faith and fair dealing against STATE
24 FARM GENERAL INSURANCE COMPANY (“State Farm” OR “Defendant”) in the
25 Superior Court for the State of California, County of Los Angeles, Case No.
26 24NNCV01375, related to a water loss that occurred on or about December 13, 2022,
27 at Plaintiff’s residence located at 554 N. Chester Avenue, Pasadena, CA 91106. On
28 June 5, 2024, State Farm timely removed this matter to the United States District Court

1 for the Central District of California pursuant to 28 U.S.C. §§ 1332, and 1441.

2 1. On or about July 26, 2024, Plaintiff agreed that her damages are
3 capped at \$75,000.00. Because Plaintiff's damages are capped \$75,000.00, at the
4 parties agree that the amount in controversy no longer exceeds and cannot exceed the
5 sum of \$75,000.00 and, accordingly, the United States District Court for the Central
6 District of California no longer has subject matter jurisdiction over this case.

7 Accordingly, the parties request an order remanding the case to the Los Angeles
8 County Superior Court of California, Case No. 24NNCV01375.

9 II. ANALYSIS

10 United States Code, Title 28, Section 1447(c), provides that "[i]f at any time
11 before final judgment it appears that the district court lacks subject matter jurisdiction,
12 the case *shall be remanded*." (Emphasis added). Because the amount in controversy
13 does not exceed the sum of \$75,000.00, this Court lacks subject matter jurisdiction and
14 must, therefore, remand the case to state court pursuant to 28 U.S.C. § 1447(c). *See*
15 *Bruns v. NCUA* 122 F.3d 1251, 1257 (9th Cir. 1997) ("Section 1447(c) is mandatory,
16 not discretionary.")

17 III. ORDER OF THE COURT

18 Based on the foregoing, this Court ORDERS that:

19 1. As the amount in controversy is not and cannot be more than \$75,000.00
20 this Court will no longer have subject matter jurisdiction and this case, Federal Case
21 No. 2:24-cv-04690-FMO (RAOx), is hereby remanded to the Superior Court for the
22 State of California, County of Los Angeles, Case No. 24NNCV01375.

23 2. All pending dates in the Federal action are hereby vacated.

24 3. Plaintiff cannot obtain damages greater than \$75,000.00, if any, in her
25 lawsuit against State Farm, under either Case No. 2:24-cv-04690-FMO (RAOx) or
26 Case No. 24NNCV01375.

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4. This Order shall be accorded full force and effect in the Superior Court of the State of California, County of Los Angeles, Case No. 24NNCV01375.

Dated: August 12, 2024